

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES – GENERAL

Case No. CV 18-5798 MWF (FFMx) Date: April 6, 2020

Title Thomas Dorkin v. William P. Barr

Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge

Rita Sanchez
Deputy Clerk

Not Reported
Court Reporter / Recorder

Attorneys Present for Plaintiffs:
Not Present

Attorneys Present for Defendants:
Not Present

**Proceedings: (IN CHAMBERS) ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge ("R&R") issued on October 30, 2019. (R&R, ECF No. 33.) The R&R was forwarded to Judge Otero on November 22, 2019. Pursuant to the Order of the Chief Judge Virginia A. Phillips, this action was reassigned from Judge Otero to this Court. (ECF No. 42.)

Pursuant to 28 U.S.C. § 636, the Court has reviewed the R&R of the Magistrate Judge, and all records and files herein. (R&R.) The time for filing objections to the R&R has passed, and no objections have been received. (Notice of Filing R&R, ECF No. 34; Fed. R. Civ. P. 72.)

The Court notes that on December 16, 2019, Plaintiff filed an *Ex Parte* Application seeking to stay the entire case due to ineffective assistance of counsel, as his counsel apparently has been disbarred. (*Ex Parte* Application, ECF No. 38.) However, the R&R delineates a repeated pattern of missed deadlines well before Plaintiff's *Ex Parte* Application. Plaintiff failed to respond to discovery requests served in June 2019. (*Id.*) Plaintiff failed to serve his initial disclosures due on July 15, 2019. (*Id.*) Plaintiff failed to appear for deposition, despite service of deposition notices and numerous attempts by Defendant to meet and confer regarding scheduling. (*Id.*) Plaintiff failed to respond to the Court's October 15, 2019 Order to Show Cause and failed to set forth a basis for his failure to prosecute and/or comply with his discovery obligations. (*Id.*) Plaintiff then failed to file objections to the R&R by November 13, 2019. (Notice of Filing R&R, ECF No. 34; Fed. R. Civ. P. 72.) Nevertheless, the Court granted Plaintiff an extension of time to retain new counsel and stayed the case until March 9, 2020. (Order, ECF No. 41.)

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March 9, 2020 has come and gone. No new counsel has joined the case. No further request for extension has been made. No objections to the R&R have been filed. For these reasons, as well as those noted in the preceding paragraph, the R&R is adopted.

Accordingly, the Court accepts and **ADOPTS** the findings, conclusions, and recommendations of the Magistrate Judge. The action is **DISMISSED**, and all pending motions shall be **DENIED AS MOOT**.

Initials of Preparer: RS/sjm